



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF SOCIAL JUSTICE
CIVIL RIGHTS BUREAU

September 23, 2021

By Electronic Submission

Hon. Laura Taylor Swain
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10006

MEMO ENDORSED

Re: *Nunez, et al. v. City of New York, et al.*, 11-cv-5845 (LTS) (JCF)

Dear Judge Swain:

I write on behalf of the New York State Office of the Attorney General ("OAG") in connection with the Court's continuing jurisdiction over the above-referenced action to ensure compliance with the consent judgement regarding operations at the New York City Department of Corrections ("DOC").

By way of this letter motion, I respectfully request that the Court permit the OAG to file an amicus submission in this action, and if granted, to treat this letter as that amicus submission. My office has notified the parties of the OAG's intent to file this letter.

The OAG has serious concerns about the conditions at the jails operated by the DOC on Rikers Island ("Rikers") and the impact of those conditions on the health and safety of the people who work and are incarcerated at Rikers.

The conditions at Rikers implicate state interests for several reasons: New York Executive Law Section 70-b requires the OAG to investigate, and where warranted, prosecute deaths caused by the acts or omissions of corrections officers, including in local facilities; certain individuals in state custody are housed at Rikers; and the OAG has a general interest in ensuring that correctional facilities in New York operate safely and humanely within the boundaries of the law.

In the fewer than six months that have passed since April 1, 2021, when Section 70-b went into effect, the OAG has been notified of nine deaths of incarcerated individuals at Rikers and the DOC Vernon C. Bain Center ("VCBC") jail boat anchored north of Rikers. We do not yet have final autopsy reports in any of these cases, and therefore have not reached final conclusions as to the causes of death at this time. Nevertheless, this pattern of incarceration-related mortality is extremely troubling.

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These tragic occurrences suggest the need for swift remedial action to improve security, access to medical care, and adequate working and living conditions for everyone at Rikers and VCBC, even as our investigations are ongoing.

The accounts of chaos, dysfunction, and violence that have been reported by incarcerated individuals and correctional staff are deeply disturbing.

I respectfully ask the Court to issue all appropriate remedial orders to address the conditions at Rikers for corrections officers, staff, and incarcerated individuals, including measures to relieve the intake backlog, incentivize the return of correctional staff to work, facilitate emergency repairs and other services to improve security and hygiene, and any other actions necessary to resolve the concerns at Rikers.

The foregoing request is granted and the Court accepts this letter motion as an amicus submission in the above-captioned action. Dkt no. 388 resolved.

SO ORDERED.

9/24/2021

/s/ Laura Taylor Swain, Chief USDJ

Respectfully submitted,

/s/ Conor Duffy

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